

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
JANUARY 2, 2001
6:30 P.M.**

MINUTES

1. Call to Order/Roll Call.

Mayor Seei called the Meeting to order at 6:30 p.m. and announced a quorum was present. Those present were: Deputy Mayor Pro-Tem Downey, Mayor Pro-Tem Reveal, Council member Maso, Council member Simpson and Council member Nichols.

Absent: Council member Osuna.

Staff present: George Purefoy, City Manager, Curtis Hawk, Assistant City Manager, Jason Gray, Assistant to City Manager, John Lettelleir, Director of Planning, Richard Abernathy, City Attorney, Frank Jaromin, City Attorney, and Nan Parker, City Secretary

2. Invocation.

The invocation was delivered by Mayor Seei.

3. Pledge of Allegiance.

Deputy Mayor Pro-Tem Downey led the audience in the Pledge of Allegiance.

4. Citizen Input.

Mayor Pro-Tem Reveal stated that she had received a call from a citizen that was concerned about tree limbs being down from the recent ice storm, and the City's chipper being out of order. Mr. Purefoy informed Mayor Pro-Tem Reveal that the City Crews have been picking up fallen tree limbs for citizens at curbside as time permits. Jason Gray also stated that the chipper is scheduled to be repaired in the near future.

Discussion only, no formal action was taken.

5. Reports.

A. Council report on "City Celebrations" for municipal projects successfully completed.

Mayor Seei reported that Dana Baird was available by phone/pager if any Council member, staff member or citizen hears a radio or news report that is inaccurate about the City of Frisco. This will allow the inaccuracies to be corrected in a timely manner.

- B. **City Manager's report on items discussed on Agenda Item No. 35 at City Council Meeting of September 19, 2000, Agenda Item No. 35 at City Council Meeting of October 17, 2000, Agenda Item No. 34 at City Council Meeting of November 7, 2000, Agenda Item No. 28 at City Council Meeting of November 21, 2000, Agenda Item No. 38 at City Council Meeting of December 5, 2000 and Agenda Item No. 33 at City Council Meeting of December 19, 2000.**

Discussion only, no formal action was taken.

6. Consent Agenda

The Consent Agenda was considered for approval. Council member Simpson moved to approve the Consent Agenda as follows. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

- A. Consider and act upon approval of the Minutes of the Regular City Council Meeting held on December 19, 2000.
- B. Consider and act upon approval Change Order Number 3 to Dean Construction, Inc. for an irrigation control system at Warren Sports Complex in the amount of \$18,269.00.
- C. Approval of Change Order Number 2 to Jim Bowman Construction, Inc. for additional sidewalk trail at the Middle School Park in the amount of \$2,508.00.
- D. Adoption of **Resolution 2001-01-01R** calling a public hearing for expansion of TIRZ #1 boundaries and amendments to TIRZ #1 Project Plan and Financing Plan.
- E. Approval of Pay Estimate No. 6 for Gaylord Parkway & Ohio Drive Phase I to L.H. Lacy Company in the amount of \$185,853.97.
- F. Approval of a Proposal for Legislative Monitoring and Tracking Services by and between the City of Frisco and Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C. and **Resolution No. 2001-01-02R** authorizing City Manager to sign acceptance of the Proposal.

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. Council member Simpson moved to remove Item K for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Council member Nichols moved to remove Item B for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Council member Nichols moved to remove Item C for separate discussion. Council member Simpson seconded the motion. Motion carried. Vote: 5-0.

Council member Simpson moved to approve the Legislative Agenda, excluding Items B, C and K. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

- A. Consider and act upon approval of Final Plat: Chapel Creek Phase One Applicant(s): The Rudman Partnership 109 Single-Family lots on 56.5± acres on the east side of Parkwood Boulevard 2,700± feet south of Stonebrook Parkway. Neighborhood #23.

B. Consider and act upon assessment of impact fees of Chapel Creek, Phase One.

Council member Simpson moved to **table** the assessment of impact fees for Chapel Creek, Phase One. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

C. Consider and act upon approval of Concept and Preliminary Site Plan & Conveyance Plat: Hillcrest Place Block A. Lots 1-4. Applicant(s): V.P. Partners and McClay Properties Company A retail building, convenience store with gas pumps, and a parking lot on four lots on 12.7+ acres on the southeast corner of Main Street (F.M. 720) and Hillcrest Road. Commercial-1. Neighborhood #18.

The Council voiced concerns regarding the amount of traffic that would be generated onto F.M. 720 from Hillcrest and from the convenience store onto Hillcrest. Following discussion, Council member Nichols moved to approve the Concept Plan and Preliminary Site & Conveyance plat of Hillcrest Place Block A, Lots 1-4 subject to staff resolving access and traffic issues. Council member Simpson seconded the motion. Motion carried. Vote: 5-0.

- D. Consider and act upon approval of Concept and Preliminary Site Plan & Conveyance Plat: Standridge Addition Block A. Lots 1, 2, & 3. Applicant(s): V.P. Partners and McClay Properties Company A retail building, convenience store with gas pumps, and a parking lot on three lots on 8.6± acres on the northwest corner of Coit Road and Lebanon Road. Zoned Planned Development-Planned Development-19-Commercial-1. Neighborhood #25.
- E. Approval of Site Plan & Final Plat: Hall Office Park – Phase G3, Block A, Lot 1 Applicant(s): Hall Phoenix Inwood, Ltd., 15% Guaranteed Plus Land Income Fund Ltd., and Hall Financial Group, Ltd.
An office building on one lot on 7.0± acres on the west side of Internet Boulevard,

1,160± feet south of Warren Parkway. Zoned Planned Development-59. Neighborhood #34.

- F. Assessment of impact fees for Hall Office Park, Phase G3, Block A, Lot 1.
- G. Approval of Final Plat: Plantation Resort, Lake Brook Farms, Phase 12
Applicant(s): D.R. Horton-Texas, Ltd. 59 Single Family lots on 15.4± acres on the south side of Jereme Trail, 585± feet west of Coit Road. Zoned Planned Development-19. Neighborhood #25.
- H. Assessment of impact fees for Plantation Resort, Lake Brook Farms, Phase 12.
- I. Approval of a Final Plat: Plantation Resort, Lake Brook Farms, Phase 11
Applicant(s): D.R. Horton-Texas, Ltd. 14 Single Family lots on 4.1± acres on the south side of Jereme Trail, 400± feet east of Plantation Lane. Zoned Planned Development-19. Neighborhood #25.
- J. Assessment of impact fees for Plantation Resort, Lake Brook Farms, Phase 11.
- K. Approval of Final Plat & Site Plan: Cypress Lake at Stonebriar Applicant(s): American Realty Trust and Parkland Development Corp. A 472 unit apartment complex on one lot on 28.4+ acres on the northwest corner of Warren Parkway and Legendary Drive. Zoned Planned Development-25. Neighborhood #30.**

Council member Simpson asked for reassurance from Staff that this request will conform to the new development standards the city is currently developing. Mr. Lettelleir reassured the Council they (the applicant) would meet the standards.

Following discussion Council member Simpson moved to approve the request. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

- L. Assessment of impact fees for Cypress Lake at Stonebriar.
- M. Approval of a Final Plat: Creekside at Stonebriar Phase 2
Applicant(s): Conine Residential 72 Patio-Home lots on 16.6± acres on the east side of Legacy Drive, 1,700± feet north of S. H. 121. Zoned Planned Development-81. Neighborhood #34.
- N. Assessment of impact fees for Creekside at Stonebriar, Phase 2.
- O. Approval of a Preliminary Plat: Griffin Parc - Phase 3
Applicant(s): Frisco Legacy, Ltd. 22 Single-Family 4 lots and one open space lot on 8.8± acres on the east side of Teel Parkway, 2,740± feet south of Eldorado Parkway. Zoned Single-Family-4. Neighborhood #45.
- P. Approval of Final Plat: Teel Parkway

Applicant(s): Jim Newman, ADAMA, LTD Right-of-way dedication on 0.9± acre on the north side of Eldorado Parkway at Teel Parkway. Zoned Single-Family 5. Neighborhood #49.

- Q. Approval of Final Plat: Northridge Addition - Phase 2
Applicant(s): David Howell, Ashton Dallas Residential, LLC 85 single-family lots on 23.3± acres on the east side of Teel Parkway 660± feet north of Eldorado Parkway. Zoned Single-Family 5. Neighborhood #49.
- R. Assessment of impact fees for Northridge Addition, Phase 2.
- S. Approval of Final Plat: King's Garden – Phase 1
Applicant(s): D.R. Horton – Texas, Ltd. 96 Single-Family-5 lots, 68 Single-Family-4 lots, and four open space lots on 59.0± acres on the north side of Main Street (F.M. 720), 900± feet west of Legacy Drive. Zoned Planned Development-Single-Family-5/Single-Family-4. Neighborhood #45.
- T. Assessment of impact fees for King's Garden, Phase 1.
- U. Approval of a Final Plat: King's Garden – Phase 2
Applicant(s): D.R. Horton – Texas, Ltd. 69 Single-Family-5 lots, 75 Single-Family-4 lots, and one open space lot on 40.8± acres 770± feet north of Main Street (F.M. 720), 900± feet west of Legacy Drive. Zoned Planned Development-Single-Family-5/Single-Family-4. Neighborhood #45.
- V. Assessment of impact fees for King's Garden, Phase 2.
- W. Approval of Final Plat: King's Garden – Phase 3
Applicant(s): D.R. Horton – Texas, Ltd. 68 Single-Family-5 lots, 61 Single-Family-4 lots, and one open space lot on 42.7± acres 1,600± feet north on Main Street (F.M. 720), 900± feet west of Legacy Drive. Zoned Planned Development-Single-Family-5/Single-Family-4. Neighborhood #45.
- X. Assessment of impact fees for King's Garden, Phase 3.
- Y. Approval of a Site Plan, Final Plat, & Conveyance Plat: The Centre at Preston Ridge, Phase 2, Block A, Lots 2 and 3 Applicant(s): Briar Preston Ridge Partners, L.P. A retail building on two lots on 32.4± acres on the northeast corner of Gaylord Parkway and Parkwood Boulevard. Zoned Planned Development-25. Neighborhood #35.
- Z. Assessment of impact fees for The Centre at Preston Ridge, Phase 2, Block A, Lot 3.
- AA. Approval of Site Plan, Final Plat, & Conveyance Plat: The Market at Preston Ridge, Phase 1, Block A, Lot 2 Applicant(s): Briar Preston Ridge Partners, L.P. A retail center on one lot on 5.4± acres on the south side of Gaylord Parkway 1,130±

feet west of Preston Road. Zoned Planned Development-25. Neighborhood #35.

- BB. Assessment of impact fees for The Market at Preston Ridge, Phase 1, Block A, Lot 2 (CompUSA).
- CC. Adoption of **Ordinance No. 2001-01-01** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 zoning 131.312 acres, Single Family-3 (SF-3), Single Family -4 (SF-4) and Single Family 5 (SF-5). (Z2000-55 Washington Tract.)
- DD. Adoption of **Ordinance No. 20001-01-02** amending Frisco's Comprehensive Zoning Ordinance No's. 00-11-01 and 00-04-03 zoning 1.48 acres Single Family-4 (SF-4). (Z2000-64 Southbrook Crossing #2.)
- EE. Adoption of **Ordinance No. 2001-01-03** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for a Private Club. (SUP2000-40 Buca Di Beppo.)
- FF. Adoption of **Ordinance No. 2001-01-04** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 Article IV (Site Development Requirements).

Regular Agenda

8. Discussion with AT&T regarding @Home service delivery.

Jason Gray, Assistant to the City Manager, introduced Jim Gilbert, AT&T Government Affairs Manager and technical support staff.

Discussion regarding the @ Home Service delivery service provided by AT&T. The Council voiced concerns and displeasure with the current service. Mr. Gray assured the Council that AT&T has been attempting to provide the service to the citizens of Frisco. The technical staff stated that they are dissatisfied with the level of service being provided in Frisco. The technical staff stated that the entire city should have access by the first quarter of this year and AT&T will be completely caught up at that time. AT&T representatives will report back to the Council and Jason Gray, Assistant to the City Manager regarding the following:

- Bundled billing for service
- Target date of operation
- Open access by 2002
- Router capacities
- Penetration percentages (used for the City's Economic Development)
- Suggested attendance at one or more of the City's Telecommunication Subcommittee Meetings
- Provide acceptable customer service for the City of Frisco's citizens to make payments

- Resolution of E-mail problems

Discussion only, no formal action was taken.

9. Consider and act upon approval of the Minutes of the Regular City Council Meeting held on December 5, 2000 and the Special Called City Council Meeting held on December 7, 2000.

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

Mayor Pro-Tem Reveal moved to approve the Minutes. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

10. Public Hearing/First Hearing: Request for the Annexation of the following tracts of land located on the eastern frontage of Preston Road aka S.H. 289:

Tract 9 – Being 33.45 acres, more or less, situated in the B.J. Naugle Survey, Abstract No. 663, Collin County, Texas.

Tract 10 – Being 10.89 acres, more less, situated in the B.J. Naugle Survey, Abstract No 663, Collin County, Texas.

Tract 11 – Being 132.01 acres, more or less, situated in the T.J. Jamison Survey, Abstract No. 481, Collin County, Texas.

Nan Parker, City Secretary reviewed the parcels to be considered for annexation with the Council. She stated the service plans were available for public inspection, the parcels are within the City's ETJ, contiguous to the existing City Limits and are eligible for annexation.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

Mrs. Shirley McElroy and Mrs. Ruth Swing, owners of parcels in Tract 9 voiced objections to the annexation via telephone.

Bobby Cross, owner of one of the parcels in Tract 10, was present to address the Council. He voiced concerns about the zoning and the new masterplan, more so than the annexation.

Craig Curry, representing Edwina Cannady, was present to voice concerns similar to those voiced by Mr. Cross.

There being no one else present to speak for or against the request, Council member Maso moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

No action to be taken pending second public hearing on January 16, 2001.

11. Public Hearing: Specific Use Permit SUP2000-38 Applicant(s): Jeff and T. O. Scherer. A request for a Specific Use Permit (SUP) for a Metal Building on 10.0+ acres on the east side of C.R. 114 (future Independence Parkway), 1,200+ feet north of C.R. 22 (future Eldorado Parkway). Zoned Agricultural and SUP #72 for a Commercial Nursery. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #6.

Council member Nichols moved to open the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

T.O. Scherer and Jeff Scherer were present to request the Council's approval of the request. Tony Felker suggested a fixed time rather than including the language "when development occurs".

There being no one else present to speak for or against the request, Council member Maso moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to:

- The SUP for the Metal Building shall be reconsider in seven (7) years and reconsider on a yearly basis thereafter.
- The Metal Building shall be upgraded to masonry exterior standards of the City where a final plat has been recorded for residential at the County for property that is within 1,000 feet of this property. The upgrade to masonry shall occur at the reconsideration of the SUP.

Deputy Mayor Pro-Tem Downey seconded the motion. Motion carried. Voting Aye: Council member Simpson, Mayor Pro-Tem Reveal and Deputy Mayor Pro-Tem Downey. Voting Nay: Council member Nichols and Council member Maso. Vote: 3-2. Staff was instructed to prepare an ordinance for adoption at a later date.

12. Public Hearing: Zoning Case Z2000-70 Applicant(s): City of Frisco A request to amend the Comprehensive Zoning Ordinance to clarify off-street parking requirements for residential districts

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations.

There being no present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

Mayor Pro-Tem Reveal moved to approve the request subject to preparation of an ordinance and the ordinance shall not apply to properties that have been sold or to those who have had a building permit issued or have submitted a permit to be reviewed. Council member Simpson seconded the motion. Motion carried. Vote: 5-0.

13. Consider and act upon approval of a Contract for Professional Architect Services by and between the City of Frisco and Brinkley Sargent Architects and adopt a Resolution authorizing the City Manager to sign Contract.

John Lettelleir, updated the Council on the contract for Professional Architect Services. Mr. Lettelleir stated the contract to be awarded is for \$95,700.00.

Mr. Duane Brinkley gave a presentation to the Council of architect services they had completed for other cities.

Council requested that Brinkley Sargent Architects provide time lines for key meetings involving Staff and Council so that they can be appropriately scheduled. Mayor Seei questioned whether or not the inclusion of Phelps/Wood would penetrate the performance clause. Mr. Brinkley stated that the participation of Phelps/Wood would not cause a delay and the state schedule will be maintained. Fees for Phelps/Wood will be included in the \$95,700 cost of the project. It was requested that staff provide input on bonding capacity. This will allow Council to consider movement of the first key implementation date from 2005 to 2003. This information will be shared with Brinkley Sargent so the performance may be modified accordingly.

Council member Maso evoked the right to recess into Closed Session for private consultation with the City Attorney, at 9:00 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Council member Simpson moved to recess into Regular Session at 9:11 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Council member Simpson moved to adopt **Resolution No. 2001-01-03R** therein approving a Contract for Professional Architect Services by and between the City of Frisco and Brinkley Sargent Architects and authorizing the City Manager to sign the contract. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

14. Consider and act upon approval of an Agreement for the Construction of Hillcrest Road and Ohio Drive and related Storm Sewers and other Infrastructure Improvements by and between Creekwood Hillcrest L.P. and the City of Frisco and adopt a Resolution authorizing the City Manager to sign the Agreement.

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 2001-01-04R** therein approving the Agreement for the Construction of Hillcrest Road and Ohio Drive and related Storm Sewers and other Infrastructure Improvements by and between Creekwood Hillcrest L.P. subject to final approval and review by the City Attorney and review of the agreement by the City Council, and signature of the related Agreement with Shula Netzer. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

15. Consider and act upon approval of an Agreement for the Construction of Ohio Drive and Wade Boulevard and Related Infrastructure Improvements by and between the City of Frisco and TTC Ltd. and adopt a Resolution authorizing the City Manager to sign the Agreement.

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 2001-01-05R** therein approving an Agreement for the Construction of Ohio Drive and Wade Boulevard and Related Infrastructure Improvements by and between the City of Frisco and TTC Ltd. Council member Nichols seconded the motion. Motion carried. Vote: 5-0.

16. Consider and act upon approval of an Agreement for the Construction of Teel Parkway and El Dorado Parkway and Related Infrastructure Improvements by and between the City of Frisco and Adama Ltd. and adopt a Resolution authorizing the City Manager to sign the Agreement.

Council member Maso moved to adopt **Resolution No. 2001-01-06R** therein approving an Agreement for the Construction of Teel Parkway and El Dorado Parkway and Related Infrastructure Improvements by and between the City of Frisco and Adama Ltd. Council member Simpson seconded the motion. Motion carried. Vote: 5-0.

17. Governance Agenda

Jason Gray, Assistant to the City Manager, updated the Council on a scheduled meeting he has with a representative of Denton Housing Authority. He informed the Council that he had included a Memorandum on the Monitoring Report. He also reviewed the Policy Title Ends Monitoring Process and Review of Ends Monitoring Reports. He apologized to the Council for some of the reports not being in the packet. He stated that the schedule for submission of monitoring reports had been modified to the second meeting in January instead of the first meeting in January. This change will allow the Staff to be able to reflect more accurate information for the end of each calendar year. He informed the Council that a cover memorandum summarizing each Monitoring Report has been added to the process. He stated this was a first attempt and sought input from the Council on what they wanted to see in future summaries.

18. Consider and act upon approval of License Agreements providing Tiger Lily Properties Associates, L.P. the use of the easements and rights-of-way held by the City of Frisco for construction of Eldorado Parkway and the sanitary sewer line and adopt a Resolution authorizing the City Manager to sign the License Agreements

Richard Abernathy updated the City Council on the License Agreements by and between the City of Frisco and Tiger Lily Properties Associates, L.P.

Following discussion, Council member Simpson moved to adopt **Resolution No. 2001-01-07R** therein approving the License Agreements with Tiger Lily subject to final review by Mr. Purefoy and Mr. Abernathy and subject to the project for Eldorado Parkway being publicly bid. Council member Maso seconded the motion. Motion carried. Vote: 5-0.

19. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Staff was instructed to review the list of property owners that were notified of the Millennium Plan and share specific information regarding notification of the property owners who are in the process of being annexed (Cross and Cannady).
- Staff was instructed to prepare an article on ways to try to save trees that may have been damaged during recent ice storms. Staff was instructed to put the article on the Website and in the Frisco Enterprise.
- Staff was instructed to have utility companies with municipal franchises to present annual reports to the Council. The scheduling of these reports should appear on the Council's Master Calendar.

Discussion only, no formal action was taken.

20. Discussion on Governance's Monitoring of present City Council Meeting.

Mayor Pro-Tem Reveal reported on the Council's performance regarding the Governance Monitoring of the present meeting. She stated that the Council had done a very good job on most of the items. She voiced concerns regarding the length of time for the presentation by Duane Brinkley and allowing some speakers to not conform to the three-minute rule. In the future staff will inform Council in advance when the length of a presentation will be extended and specify the amount of time allotted. Responsible staff will monitor speakers for compliance to time specification.

Discussion only, no formal action was taken.

21. Adjourn.

There being no additional business, the meeting was adjourned at 9:55 p.m.

Kathleen A. Seei, Mayor

ATTEST:

Nan Parker, City Secretary

Approved: 1/16/01
T: 1/4/01np
R:1/9/00np